United Nations S/2004/315

Security Council

Distr.: General
20 April 2004

Original: English

Report of the Secretary-General on the situation in Abkhazia, Georgia

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1524 (2004) of 30 January 2004, by which the Council decided to extend the mandate of the United Nations Observer Mission in Georgia (UNOMIG) until 31 July 2004. It provides an update of the situation in Abkhazia, Georgia, since my report of 14 January 2004 (S/2004/26).

2. My Special Representative for Georgia, Heidi Tagliavini, continued to head UNOMIG. She was assisted in this task by the Chief Military Observer, Major General Kazi Ashfaq Ahmed (Bangladesh). The strength of UNOMIG on 31 March 2004 stood at 116 military observers and 11 civilian police officers (see annex).

II. Political process

3. The United Nations Observer Mission in Georgia, under the leadership of my Special Representative, continued to work with the Georgian and Abkhaz sides on the three sets of issues — economic cooperation, return of refugees and internally displaced persons, and political and security matters — identified as vital for advancing the Georgian-Abkhaz peace process at the United Nations-chaired meetings of the Group of Friends, held in February and July 2003 (see S/2003/412, para. 3, and S/2003/1019, paras. 5-8) and February 2004. Those efforts, supported by complementary initiatives — undertaken in the framework of the so-called Sochi working groups — to implement the agreements between the President of the Russian Federation and the President of Georgia reached in Sochi in March 2003 (see S/2003/412, para. 5) are designed to promote practical cooperation between the parties. They were ultimately aimed at preparing the way for meaningful negotiations between the Georgian and Abkhaz sides on a comprehensive political settlement based on the paper entitled "Basic Principles for the Distribution of Competences between Tbilisi and Sukhumi" and its transmittal letter (see S/2002/88, para. 3).

4. To this end, my Special Representative maintained an active dialogue with the two sides and the Group of Friends, both in Tbilisi and in their respective capitals. She met with representatives of the Group of Friends in New York in January. Consultations were also held with the Special Representative of the President of the

04-31606 (E) 260404

Russian Federation for the Georgian-Abkhaz conflict and First Deputy Foreign Minister, Valery Loshchinin, in Moscow in January and March; the Special Negotiator for Eurasian Conflicts of the State Department of the United States of America, Rudolf Perina, in Washington, D.C., in January; and the Special Representative of the United Kingdom for the South Caucasus, Sir Brian Fall, in Tbilisi in January. She briefed the European Union's Special Representative for the Southern Caucasus, Heikki Talvitie, in March and the Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE), Solomon Passy, in February. My Special Representative also addressed the OSCE Permanent Council and participated in the high-level tripartite meeting of the United Nations, the Council of Europe and OSCE on activities and cooperation among international partner organizations in the southern Caucasus, held at Vienna in February.

5. On 17 and 18 February 2004, senior representatives of the Group of Friends convened for the third time at Geneva under the chairmanship of the Under-Secretary-General for Peacekeeping Operations to review, together with my Special Representative, movement on the three sets of key issues. For the first time, the United Nations High Commissioner for Refugees, Ruud Lubbers, and representatives of the United Nations Development Programme (UNDP) took part in relevant parts of the meeting. The Group of Friends welcomed the efforts of my Special Representative to bring the sides together on the issue of security guarantees and undertook to provide support to her plan of work for the coming months, in particular her proposal to submit to the sides a "letter of intent" in support of returns (see paras. 8 and 9 below). The Group also reaffirmed the central role of the "Geneva process" in the efforts to achieve a political settlement and agreed to meet again in the same format before the end of the year.

6. Representatives of the sides were again invited to participate during some parts of the meeting. The Georgian delegation, led by the newly appointed State Minister for Conflict Resolution, Giorgi Khaindrava, confirmed Georgia's commitment to a peaceful settlement of the conflict and welcomed the continuing and active involvement of the United Nations and the Group of Friends in particular through their participation in the Geneva process. The Minister emphasized the commitment of the new President of Georgia to prioritizing the practical needs of those most immediately affected by the conflict, and indicated his desire to travel to Sukhumi to meet with the Abkhaz leadership.

7. Unfortunately, the Abkhaz side declined the invitation to attend and failed to take advantage of the opportunity to present its views to high-level representatives of the United Nations and the Group of Friends. Instead, in a letter from the de facto President, Vladislav Ardzinba, the Abkhaz side formally reiterated its refusal to accept the competencies paper and its transmittal letter and again invoked its unilateral declaration of independence (see S/1999/1087, para. 7). In the same letter, the Abkhaz side requested the resumption of the Coordinating Council, which has been suspended since January 2001 following the Abkhaz side's refusal at that time to participate in it.

8. My Special Representative continued her efforts to bring the sides closer together on the issue of security guarantees. On 10 February in Tbilisi, she convened the second meeting of the sides, with the participation of the Group of Friends, on this issue, in follow-up to the meeting of July 2003 (see S/2003/751, para. 5). In the absence of negotiations on the core political issues of the conflict,

the dialogue on security matters is currently the only opportunity for the sides to engage in a substantive exchange. In the light of the concrete proposals presented by the Georgian and Abkhaz representatives, she offered to organize informal consultations between the sides and international experts in April at Geneva in preparation for a third meeting of the sides on security guarantees in May at Sukhumi. In a separate but complementary effort to help to stabilize the security situation on the ground, my Special Representative convened on 19 January 2004 a further meeting on the implementation of the Gali Protocol of 8 October 2003 (see S/2003/1019, para. 10). That meeting, which was attended by high-level Georgian and Abkhaz representatives and senior officials from the peacekeeping force of the Commonwealth of Independent States (CIS), resulted in the renewed commitment of the sides to continue efforts aimed at improving the security situation in the zone of conflict.

9. UNOMIG also continued to work on preparations for the safe, dignified and sustainable return of internally displaced persons and refugees. My Special Representative submitted to the sides for their consideration and signature a draft letter of intent, which would send a political signal of commitment to returns and provide the basis for increased involvement by United Nations bodies in the process, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR). In cooperation with the Tbilisi office of the High Commissioner, UNOMIG finalized its draft paper on the return process (see S/2004/26, para. 8) and forwarded it to the participants in the relevant Sochi working group.

10. Work also continued on economic issues in support of the peace process. The report of the UNDP-led feasibility study mission (see S/2004/26, para. 10) is being finalized. It will then be presented to the sides.

11. The complex political situation on both sides of the ceasefire line affected the efforts of UNOMIG to advance the peace process. In Tbilisi, the State structures have just begun to stabilize since the election of Mikheil Saakashvili as President on 4 January, the formation of a government the following month and the election of a new parliament on 28 March, which resulted in an overwhelming victory for the party of President Saakashvili. At a meeting in Davos in January, I assured then President-elect Saakashvili of the United Nations continuing commitment to a lasting settlement with full respect for the sovereignty and territorial integrity of Georgia, and encouraged him to maintain the dialogue with the Abkhaz side. I repeated this message during the President's visit to New York on 26 February 2004 to address the Security Council. During the first visit of President Saakashvili to Moscow on 10 and 11 February 2004, he and the President of the Russian Federation, Vladimir Putin, agreed to revitalize the implementation of the Sochi agreement (see S/2003/412, para. 5).

12. In Sukhumi, political leaders are beginning to prepare for elections for the de facto presidency, which are expected this autumn. Despite a generally positive attitude on the Abkhaz side towards advancing practical cooperation, the pre-election atmosphere makes it difficult to move the peace process substantially forward.

13. Relations between Tbilisi and Sukhumi were strained during the reporting period by the seizure and inspection by the Georgian side of six foreign fishing vessels operating in waters off the Abkhaz coast. The Abkhaz side warned that force

would be used to prevent any further incursions by the Georgian side into its "sovereign territory". The Georgian side maintains that the foreign vessels were operating illegally in Georgian territorial waters. My Special Representative met with both sides in an effort to defuse the situation. Tensions were also heightened between Tbilisi and the Autonomous Republic of Ajaria, late in February and early in March, following attacks against opposition groups in the Adjarian capital of Batumi in the lead-up to the Georgian parliamentary elections of 28 March. The friction, which was closely followed in Sukhumi, eased following direct talks between President Saakashvili and the Adjarian leader, Aslan Abashidze, and the intervention of key States, particularly the United States and the Russian Federation, as well as international organizations, including the Council of Europe and the European Union.

14. From 16 to 20 March, the Assistant Secretary-General for Mission Support, Jane Holl Lute, visited the Mission to assess its operations and mission support requirements. She met, together with my Special Representative, with the Georgian and Abkhaz sides, as well as the CIS peacekeeping force, and reinforced the importance the United Nations places on both the work of the Mission and constructive cooperation with key partners in the dialogue.

III. Operational activities

15. UNOMIG continued daily ground patrols in the Gali and Zugdidi sectors. In the Kodori Valley, ground patrols remained suspended, pending the finalization and implementation of more robust security arrangements. Helicopter patrolling also remained suspended for security reasons. Administrative flights have continued on authorized flight routes over the Black Sea.

16. The joint fact-finding group, which brings together the two sides, UNOMIG and the CIS peacekeeping force, continued to investigate incidents, and all parties regularly attended scheduled weekly meetings and responded promptly to incidents. The poor handling of evidence and slow completion of investigations continue to pose some difficulties, however. The planned involvement of the UNOMIG civil police officers in the joint fact-finding group is expected to enhance its effectiveness. Eleven cases are currently under investigation, of which six were opened after 1 January. During the reporting period, the joint fact-finding group completed investigations into two violent incidents; it was established that neither was politically motivated.

17. Weekly quadripartite meetings continued to provide a common platform for the sides to discuss security-related matters in the presence of the Chief Military Observer and senior staff of the CIS peacekeeping force. Main issues of concern included Georgian objections to the presence in the Gali security zone of Abkhaz "border guards" and "customs" posts, which the Georgian side considers to be violations of both the territorial integrity of Georgia and the relevant provisions of the 1994 Moscow Agreement on a Ceasefire and Separation of Forces. At the same time, the Abkhaz side expressed concerns about the number of personnel and amount of equipment used by the Georgian side during the anti-criminal operation in the Zugdidi and Tsalendzhika districts on 4 February (see para. 26 below).

Kodori Valley

18. According to reports received from the CIS peacekeeping force and the two sides, the situation in the Kodori Valley remained generally calm.

19. On 27 February and 26 March 2004, UNOMIG engineers and local contractors visited the Abkhaz-controlled lower Kodori Valley to assess the road damage caused by the autumn and winter floods. The repair work is expected to commence soon but, because of the nature of the damage and the remote location, it will take considerable time for the work to be completed. UNOMIG plans to conduct a similar assessment of road and bridge damage in the Georgian-controlled upper Kodori Valley. A joint delegation of the European Union and the European Commission, which visited Sukhumi from 19 March to 1 April, showed interest in providing funds for rehabilitation projects in the Kodori Valley.

Gali sector

20. The military situation in the Gali sector remained generally calm. On 24 March, UNOMIG observed an armoured personnel carrier and a T-55 tank and, on 25 March, four 120/122-mm mortars and five 100-mm anti-tank cannons within the restricted weapons zone during Abkhaz military exercises in an adjacent training area near Ochamchira. UNOMIG protested to the Abkhaz side about those violations of the Moscow Agreement.

21. At the same time, the level of violence in the Gali sector was almost unchanged in comparison to the same period in 2003: 23 robberies, four killings and six shootings were reported. Criminal elements have been especially active in the lower Gali district. On 13 January, in Zemo Bargebi, an armed group fired several rounds at a bus in a robbery attack, fortunately inflicting no casualties. On 15 January, at Chuburkhindzi, an elderly woman was killed during an attempted house robbery. Two more house robberies were reported during the same month. On 3 February, an Abkhaz observation post was attacked near Primorsk; the perpetrators used AK-47 rifles with grenade launchers. On 24 February, in Zemo Bargebi, seven armed and masked perpetrators robbed a bus, taking money and other valuables. On 26 February, a woman was abducted during a house robbery in Pirveli Gali and, on 5 March, four families were robbed by armed men in Repo Etseri. On 18 March, the body of a former security official of the Autonomous Republic of Abkhazia in exile was found on the Gali side of the Inguri River near Chuburkhindzi. On 25 March, a decapitated body was found in the vicinity of Zeni 2 village. On 6 April, the commander of an Abkhaz observation post and a civilian were abducted near the post west of Gali city; the civilian was later released.

22. In an effort to curb crime, especially in the lower Gali district, the de facto Abkhaz Interior Ministry forces conducted a law enforcement operation on 5 February, during which 12 suspects were detained; 8 have since been released. The operation followed a similar law enforcement operation on the Georgian-controlled side of the ceasefire line on 4 February (see para. 26 below). On 7 April, the Abkhaz militia conducted another operation in Zemo Bargebi during which 32 people were detained, all of whom were later released. The Abkhaz militia also increased patrolling in the upper Gali district.

23. Following the reassignment of six additional military observers, UNOMIG increased the frequency of its patrols in the Gali sector from an average of 72 per month to 96.

Zugdidi sector

24. In the Zugdidi sector, the situation has been generally calm, except for criminal activities. Several peaceful demonstrations and blockades occurred in protest against poor living conditions. The Mission's freedom of movement was restricted on four occasions in the Zugdidi sector when local residents blocked the main road between Sukhumi and Tbilisi to protest against the poor supply of electricity.

25. Meanwhile, the level of violence, mostly criminally motivated, has been relatively high: 13 killings, three shooting incidents, one explosion, three robberies and one car hijacking were reported. On 15 January, a group of assailants wounded three police officers while firing at their patrol car in Shamgona. In another serious incident, a group of nine armed men attacked a police station in Lia, north of Zugdidi. Four police officers and two attackers were killed during the exchange of fire, which involved automatic and anti-tank weapons. At least two rocket-propelled-grenade rounds were fired at the police station. The joint fact-finding group established that the attack was criminally motivated. On 27 January, two men were kidnapped in Orsantia, in the Zugdidi security zone. One was released shortly after. The other, a member of the non-governmental organization Union of Abkhaz and Georgian Young Artists was released on 25 March on the territory of the Gali security zone. On 28 February, a woman was shot dead at her house in Kakhati during an armed robbery.

26. Early in February, the Georgian law enforcement authorities conducted for several days a major anti-crime operation in the Zugdidi and Tsalendzhika districts. About 120 police and Interior Ministry troops were deployed and a number of locations raided. The Minister of the Interior led the operation and President Saakashvili visited the area on 4 February, the first day of the operation. Up to 30 people were arrested and a significant amount of arms and ammunition seized. The Abkhaz side and the CIS peacekeeping force considered that in the course of the operation the Georgian side used heavy military equipment in contravention of relevant provisions of the 1994 Moscow Agreement. The UNOMIG investigation into the matter was inconclusive.

IV. Cooperation with the collective peacekeeping force of the Commonwealth of Independent States

27. The United Nations Observer Mission in Georgia and the CIS peacekeeping force maintained close contact and cooperation at operational and command levels, including through the weekly quadripartite meetings and in the joint fact-finding group. The CIS peacekeeping force also indicated its willingness to assist in the repair of roads damaged by floods in the Kodori Valley.

V. Policing issues

28. During the reporting period, one police officer was deployed as part of the UNOMIG civilian police component in addition to the 10 officers deployed during November and December 2003. Deployment of the remaining nine civilian police officers has been delayed by the Abkhaz authorities, following the objections of some Abkhaz organizations and political groupings in the de facto Parliament to the establishment of the UNOMIG police presence on the Abkhaz-controlled territory, especially in the Gali district.

29. In the Zugdidi district, UNOMIG selected the first contingent of local law enforcement officers for training at the OSCE police school in Kosovo. UNOMIG also finalized a list of material needs for the immediate technical support of Georgian law enforcement agencies, and plans to convene a meeting with representatives of potential donor countries and organizations on 19 April 2004. UNOMIG intends to conduct a similar assessment on the Abkhaz side, once the Abkhaz authorities agree to the deployment of the civilian police. Overall, the civilian police component has established good working relations with senior law enforcement and administrative bodies in Zugdidi, and the level of cooperation and assistance that they have received has been encouraging.

VI. Human rights and the humanitarian situation

30. The human rights situation remained fragile, particularly in the Gali district. The United Nations Human Rights Office in Sukhumi continued to monitor human rights conditions and raise awareness of and respect for human rights through project activities. Those activities increased significantly compared with 2003, including a 50 per cent rise in the number of recipient non-governmental organizations. The Office followed the conduct of the Abkhaz anti-criminal operation in the lower Gali district and visited the detainees. There have been no reports of abuse in connection with that operation. Concerns have been raised, however, about a possible cessation of activities in the area of the only Abkhaz non-governmental organization, which provides free legal services to the mainly Georgian population in the Gali district. These concerns highlight the need for a closer monitoring of human rights conditions and for establishing a full-time presence in the Gali district, as recommended by the joint assessment mission in November 2000 (see S/2001/59, annex II) and the security assessment mission late in 2002 (see S/2003/412, para. 16).

31. International agencies and non-governmental organizations continued to provide food, medical aid and infrastructure rehabilitation in the zone of conflict. UNHCR completed repairs of seven more schools in Abkhazia, Georgia, including six in the Gali district, and continued to assist vulnerable and elderly people in Sukhumi. The United Nations Children's Fund (UNICEF) has expanded its country programming into Abkhaz-controlled territory and, in addition to providing immunization supplies, it has begun to develop a programme for preventive health care. UNICEF has also provided rapid response delivery of school kits, distributed by UNHCR and UNOMIG. Médecins sans Frontières continued health access, drug distribution and tuberculosis treatment programmes, as well as support for the Sukhumi City Hospital. Meanwhile, the HALO Trust, a non-governmental organization and the largest foreign employer organization on the Abkhaz side of

the ceasefire line, continued to provide mine-clearance services and mine-awareness training. The Spanish non-governmental organization Accion contra el Hambre (ACH) began a new 10-month project, co-funded by the European Commission Humanitarian Aid Office (ECHO), to improve food security for vulnerable families on both sides of the ceasefire line. ACH also implements the World Food Programme's food-for-work project, which is co-funded by ECHO and the new community development project for both Abkhaz and Georgian areas, funded by the Swiss Agency for Development and Cooperation. The latter also funds, through the non-governmental organization Première Urgence, the rehabilitation of 460 individually and collectively owned buildings and supports the Educational and Psychological Centre for Children in the Gali district. The United Nations Development Fund for Women continued to promote the role of women in peace, security and development, including through people-to-people dialogue and women's leadership initiatives. The United Nations Volunteers focused on developing local non-governmental organization capacity, peace education and small-scale income-generation projects.

32. UNOMIG has continued to repair infrastructure, mainly roads, through the implementation of quick-impact projects. During the reporting period, four projects have been completed, including rehabilitation support to the Zugdidi Hospital. In January, the United Nations and the Government of the Netherlands signed an agreement for the donation of €100,000 to the UNOMIG Quick-Impact Project Trust Fund. The Mission also received a further voluntary contribution of US$ 31,666 from the Government of Finland, as well as $100,000 from the Government of Switzerland and $80,000 from the Government of Italy to provide support for the implementation of quick-impact projects.

VII. Observations

33. During the period under review my Special Representative and UNOMIG continued efforts to promote stability in a complex political environment and to assist the sides in renewing their dialogue and building common ground as a means of advancing the peace process. I welcome the continuing involvement of the Group of Friends in this process and their unswerving support for these efforts. Progress, however, remains painfully slow. Disappointingly, there was no movement by the Abkhaz side on the core political question and negotiations on a comprehensive political settlement have yet to begin.

34. There is, nevertheless, reason for cautious optimism in the longer term. The change of leadership in Tbilisi has injected renewed vigour into the efforts of the Government of Georgia to resolve the country's internal conflicts. I am encouraged by the public commitment of the new Georgian leadership to pursuing a comprehensive settlement exclusively by peaceful means — of both the conflict in Abkhazia, Georgia, and Georgia's other internal disputes — and also by early practical actions taken within the zone of conflict. I call on the Abkhaz side to seriously review its position and to use the opportunity of the changing political climate in Tbilisi to commence meaningful negotiations on the substantive issues of the conflict.

35. Given the present political environment, however, and the preoccupation of the Abkhaz side with upcoming "presidential elections", as well as the necessary period

of post-election stabilization in Tbilisi, UNOMIG will seek to build on the incremental progress achieved during the reporting period on the practical tasks in the three areas identified at Geneva. I strongly encourage the sides to implement the remaining recommendations of the joint assessment mission of 2000 and the security assessment mission of 2002, as a means of improving the security situation within the zone of conflict. I also urge the Abkhaz side to permit the deployment of UNOMIG civilian police in the Gali sector, in line with its earlier commitments, to facilitate improved police practices and better cooperation between local law enforcement agencies and thereby to improve the overall security situation for all inhabitants of the area. I welcome the renewed interest on the Abkhaz side in the resumption of the work of the Coordinating Council and note that this would be a useful and logical complement to the higher-level efforts of the Geneva meetings of the Group of Friends. I appeal to the sides to use appropriate negotiating mechanisms for the discussion of substantive issues rather than to engage exclusively in procedural debate.

36. The security of UNOMIG personnel continues to be a major concern. The recently expressed readiness of both sides to provide meaningful assurances towards this end needs to be followed by resolute action to identify and bring to justice the perpetrators of criminal acts against UNOMIG personnel, including those responsible for the armed attack on a UNOMIG bus in Sukhumi in 1998 and the shooting down of a UNOMIG helicopter in the Kodori Valley in October 2001. Closer cooperation between the sides, particularly in support of efforts to bring to justice those responsible for hostage incidents involving UNOMIG personnel, would contribute greatly to deliberations by UNOMIG on whether to resume its patrols in the Kodori Valley. Once again, I remind both sides of their responsibility to ensure safety, security and freedom of movement for UNOMIG personnel at all times.

37. In conclusion, I would like to express my appreciation to my Special Representative, Heidi Tagliavini, and to the military, civilian police and civilian staff of UNOMIG for their untiring efforts in support of the peace process and for carrying out their duties with courage and dedication, under difficult and often dangerous circumstances.

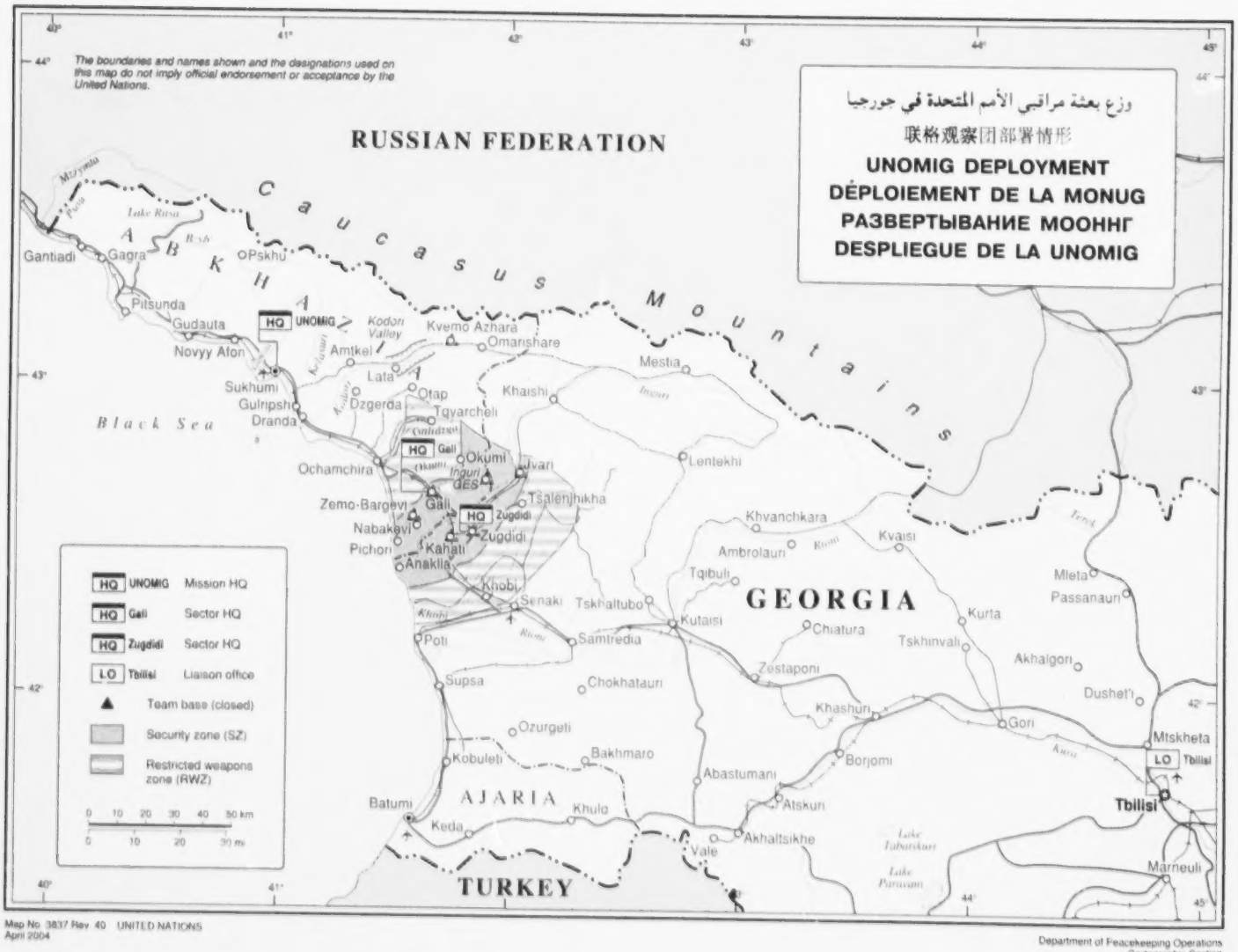
Annex

Countries providing military observers and civilian police personnel (as at 31 March 2004)

Country	*Military observers*
Albania	3
Austria	2
Bangladesh	9*
Czech Republic	4
Denmark	5
Egypt	3
France	3
Germany	11
Greece	5
Hungary	7
Indonesia	4
Jordan	8
Pakistan	8
Poland	5
Republic of Korea	7
Russian Federation	3
Sweden	3
Switzerland	4
Turkey	5
Ukraine	5
United Kingdom of Great Britain and Northern Ireland	7
United States of America	2
Uruguay	3
Total	**11**

* Including the Chief Military Observer.

Country	*Civilian police personnel*
Hungary	2
Germany	4
Poland	1
Russian Federation	1
Switzerland	3
Total	**11**



Map No. 3837 Rev. 40 UNITED NATIONS
April 2004

Department of Peacekeeping Operations
Cartographic Section